

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Allan et al.	Art Unit	: 3693
Serial No.	: 09/696,099	Examiner	: Lalita M. Hamilton
Filed	: October 25, 2000	Conf. No.	: 4131
Title	: VALUE TRANSACTION SYSTEMS		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)**

Applicants hereby request reconsideration of the Patent Term Adjustment (PTA) accorded the above-referenced application. Reconsideration of the PTA calculation to increase total PTA from 1,893 days to 2,046 days is respectfully requested.

**REVIEW OF PATENT TERM ADJUSTMENT CALCULATION**

**PTO Delay**

A first PTO action was due on or before December 25, 2001 (the date that is fourteen months after October 25, 2000, the date on which the application was filed). The Office mailed the first non-final Office Action on July 6, 2004, thereby according a PTO Delay of 924 days. Applicants do not dispute the Office's calculation for this PTO Delay from December 26, 2001 (the day after the date that is fourteen months after the date on which the application was filed), to July 6, 2004. See 37 C.F.R. §§ 1.702(a)(1) and 1.703(a)(1).

A PTO action was due on or before January 23, 2006 (the date that is four months after September 23, 2005, the date on which a response to Office Action was filed). The PTO mailed a non-final Office Action on September 22, 2006, thereby according a PTO Delay of 242 days. Applicants do not dispute the PTO's calculation for this PTO Delay from January 24, 2006 (the day after the date that is four months after the date on which a response to Office Action was filed), to September 22, 2006. See 37 C.F.R. §§ 1.702(a)(2) and 1.703(a)(2).

A Notice of Appeal was filed by Applicants on July 3, 2007. On May 7, 2010, the Office mailed a Decision in favor of the Applicants ("Decision") – the Examiner was affirmed in part – by the Board of Patent Appeals and Interferences ("BPAI"). Applicants filed a Request for

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I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: November 15, 2010.

Rehearing on January 14, 2010, in which clarification of a portion of the initial Decision, as well as a rehearing for reconsideration of the Decision, was sought. On April 23, 2010, the Office mailed a final Decision on Request for Rehearing by the BPAI, in which it granted Applicants' request for clarification, but denied the request for a rehearing. The Office accorded a total PTO Delay of 872 days. As the April 23, 2010, Decision (and not the May 7, 2010, Decision) was the final decision mailed by the BPAI, Applicants respectfully submit that this calculation contains an error, and request its correction to indicate a total PTO Delay of 1,025 days under 37 C.F.R. §§ 1.702(e) and 1.703(e), for time elapsed between July 3, 2007 (the day on which the Notice of Appeal was filed), to April 23, 2010 (the date on which the final decision in favor of the Applicants by the BPAI was mailed). See 37 C.F.R. §§ 1.702(e) and 1.703(e).

In view of the periods of PTO Delay detailed above, the total PTO Delay for this application should be calculated as 2,191 days (i.e., the sum of 924 days, 242 days, and 1,025 days).

#### Applicant Delay

A response to a non-final Office Action was due on or before October 6, 2004 (the date that is three months after July 6, 2004, the date on which the non-final Office Action was mailed). Applicants filed a response to the non-final Office Action on January 6, 2005, thereby according an Applicant Delay of 92 days. See 37 C.F.R. § 1.704(b). Applicants do not dispute the Office's calculation for this Applicant Delay from October 7, 2004 (the day after the date that is three months after the date on which the Office Action was mailed), to January 6, 2005.

A response to a final Office Action was due on or before August 5, 2005 (the date that is three months after May 5, 2005, the date on which the final Office Action was mailed). Applicants filed a response to the final Office Action on September 23, 2005, thereby according an Applicant Delay of 49 days. See 37 C.F.R. § 1.704(b). Applicants do not dispute the Office's calculation for this Applicant Delay from August 6, 2005 (the day after the date that is three months after the date on which the Office Action was mailed), to September 23, 2005.

A response to a final Office Action was due on or before June 29, 2007 (the date that is three months after March 29, 2007, the date on which the final Office Action was mailed).

Applicants filed a response to the final Office Action on July 3, 2007, thereby according an Applicant Delay of 4 days. See 37 C.F.R. § 1.704(b). Applicants do not dispute the Office's calculation for this Applicant Delay from June 30, 2007 (the day after the date that is three months after the date on which the Office Action was mailed), to July 3, 2007.

In view of the period of Applicant Delay detailed above, the total Applicant Delay for this application should be calculated as 145 days.

### Conclusion

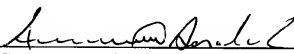
In consideration of the events described above, Applicants believe the PTA calculation of 1,893 days is incorrect. As such, Applicants respectfully request reconsideration of the PTA in the following manner:

- 1) Total PTO Delay should be calculated as 2,191 days (i.e., the sum of 924 days, 242 days, and 1,025 days);
- 2) Total Applicant Delay should be calculated as 145 days; and
- 3) Total PTA should be calculated as 2,046 days.

The fee of \$200 required under 37 C.F.R. § 1.18(e) is being submitted herewith. Please apply any other required charges or credits to Deposit Account No. 06-1050, referencing attorney docket number 07703-0346001.

Respectfully submitted,

Date: 11/15/10

  
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Samuel Borodach  
Reg. No. 38,388

Fish & Richardson P.C.  
PTO Customer No. 26211  
Telephone: (212) 765-5070  
Facsimile: (877) 769-7945